

HOUSE BILL 232

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HB 395/01 - JUD

2004 Regular Session
4r0392

By: **Delegates F. Turner, Bobo, Boschert, Boutin, Cane, Conroy, DeBoy, Dumais, Elmore, Glassman, Gordon, Hubbard, Kaiser, Kelley, Love, Madaleno, Menes, Montgomery, Morhaim, Murray, Nathan-Pulliam, Owings, Parker, Patterson, Pendergrass, Petzold, Quinter, Ramirez, and Sophocleus**

Introduced and read first time: January 23, 2004
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 16, 2004

CHAPTER _____

1 AN ACT concerning

2 **Family Law - Adoption Search, Contact, and Reunion Services - Siblings**

3 FOR the purpose of expanding the adoption search, contact, and reunion services
4 program within the Social Services Administration to include services to siblings
5 of adopted individuals; authorizing a sibling of an adopted individual to apply to
6 receive adoption search, contact, and reunion services under certain
7 circumstances; requiring a confidential intermediary to attempt to contact a
8 sibling of an adopted individual under certain circumstances; requiring the
9 Director of the Social Services Administration to adopt regulations concerning a
10 certain agreement between a confidential intermediary and a sibling of an
11 adopted individual; establishing that the consent of a natural parent to an
12 adoption or guardianship of a child is not valid unless the consent contains a
13 certain notice; defining a certain term; altering a certain definition; and
14 generally relating to adoption search, contact, and reunion services.

15 BY repealing and reenacting, with amendments,
16 Article - Family Law
17 Section 5-314(a), 5-4B-01(f), 5-4B-02(a), 5-4B-05, and 5-4B-12
18 Annotated Code of Maryland
19 (1999 Replacement Volume and 2003 Supplement)

20 BY adding to
21 Article - Family Law

1 Section 5-4B-01(g)
2 Annotated Code of Maryland
3 (1999 Replacement Volume and 2003 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article - Family Law**

7 5-314.

8 (a) The consent of a natural parent to either an adoption or guardianship of a
9 child is not valid unless the consent contains an express notice of:

10 (1) the right to revoke consent under § 5-311 or § 5-317 of this subtitle;

11 (2) the search rights of adopted individuals and biological parents under
12 [Subtitles 3A and 4B] SUBTITLE 3A of this title AND THE SEARCH RIGHTS OF
13 ADOPTED INDIVIDUALS, BIOLOGICAL PARENTS, AND SIBLINGS UNDER SUBTITLE 4B
14 OF THIS TITLE; and

15 (3) the right to file a disclosure veto under § 5-3A-05 of this title.

16 5-4B-01.

17 (f) "Search, contact, and reunion services" means services:

18 (1) to locate adopted individuals [and], biological parents of adopted
19 individuals, AND SIBLINGS OF ADOPTED INDIVIDUALS;

20 (2) to assess the mutual desire for communication or disclosure of
21 information between adopted individuals and biological parents of adopted
22 individuals OR BETWEEN ADOPTED INDIVIDUALS AND SIBLINGS OF ADOPTED
23 INDIVIDUALS; and

24 (3) to provide, or provide referral to, counseling for adopted individuals
25 [and], biological parents of adopted individuals, AND SIBLINGS OF ADOPTED
26 INDIVIDUALS.

27 (G) "SIBLING" MEANS A BROTHER OR SISTER OF THE WHOLE OR HALF BLOOD
28 WHO:

29 (1) IS AT LEAST 21 YEARS OLD; AND

30 (2) HAS BEEN ADOPTED.

31 5-4B-02.

32 (a) (1) An adopted individual at least 21 years old may apply to the Director
33 to receive search, contact, and reunion services.

1 (2) If an adopted individual is at least 21 years old, [a biological parent
2 of the adopted individual] THE FOLLOWING INDIVIDUALS may apply to the Director
3 to receive search, contact, and reunion services:

4 (I) A BIOLOGICAL PARENT OF THE ADOPTED INDIVIDUAL; AND

5 (II) A SIBLING OF THE ADOPTED INDIVIDUAL, ~~IF THE SIBLING IS AT~~
6 ~~LEAST 21 YEARS OLD.~~

7 5-4B-05.

8 (a) An individual who applies for search, contact, and reunion services shall
9 execute a written agreement with a confidential intermediary concerning the
10 provision of search, contact, and reunion services.

11 (b) (1) The confidential intermediary may charge the individual a
12 reasonable fee for search, contact, and reunion services.

13 (2) The overall amount of fees collected may not exceed the costs of
14 providing the services.

15 (c) The confidential intermediary shall promptly:

16 (1) file the executed agreement with the Director; and

17 (2) attempt to contact [either] the adopted individual [or], the
18 biological parent, OR THE SIBLING sought by the applicant.

19 5-4B-12.

20 The Director shall adopt regulations to implement the provisions of this subtitle,
21 including regulations concerning:

22 (1) the application process for search, contact, and reunion services;

23 (2) qualifications for a confidential intermediary;

24 (3) the agreement for search, contact, and reunion services executed by a
25 confidential intermediary and an adopted individual [or], biological parent, OR
26 SIBLING; and

27 (4) the delivery and scope of search, contact, and reunion services.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2004.

